

**THIS IS A PROPOSED DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED
ORDINANCE OR RESOLUTION ADOPTED BY CITY COUNCIL.**

AN ORDINANCE

**AUTHORIZING THE THIRD AMENDMENT TO THE DECLARATION OF
RESTRICTIVE COVENANTS ASSOCIATED WITH THE AMENDED AND
RESTATED AGREEMENT FOR SERVICES IN LIEU OF ANNEXATION
BETWEEN THE CITY AND FORESTAR (USA) REAL ESTATE GROUP
L.L.C. TO ALLOW FOR THE USE OF UP TO 43 IMPERVIOUS COVER
CREDITS ON CIBOLO CANYON.**

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WHEREAS, the City approved an Agreement for Services in Lieu of Annexation (the “Agreement”) with Lumbermen’s Investment Corporation (now known as Forestar (USA) Real Estate Group L.L.C.) on October 24, 2002; and

WHEREAS, the Agreement provided terms and conditions under which the City would agree to not annex approximately 2,856 acres of property in Bexar County known as Cibolo Canyon; and

WHEREAS, a Declaration of Restrictive Covenants (the “Declaration”) was part of the Agreement and contained an impervious cover limitation which provided that the area of impervious cover on Cibolo Canyon would not exceed 25%; and

WHEREAS, the Declaration was later amended to increase the restriction to 15%; and

WHEREAS, City staff and Forestar representatives have agreed to the terms of an Impervious Cover Credit Agreement (the “ICC Agreement”) that would provide Forestar with 86 impervious cover credits to be used to mitigate impervious cover limitations on other projects in accordance with the terms and conditions of the ICC Agreement; and

WHEREAS, City staff has agreed to amend the Declaration to allow up to 43 impervious cover credits to be used on Cibolo Canyon so long as the application of such credits results in no greater than an impervious cover limitation of 16.5%; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The terms and conditions of the Third Amendment to the Declaration of Restrictive Covenants (the “Amendment”) with Forestar (USA) Real Estate Group L.L.C. are hereby approved.

SECTION 2. The City Manager or her designee is authorized to execute the Amendment in accordance with this Ordinance. A copy of the Amendment, in substantially final form, is set out as Attachment I. The final Amendment shall be filed with this Ordinance upon execution.

SECTION 3. This Ordinance shall become effective immediately upon its passage by eight (8) votes or more and upon ten (10) days following its passage if approved by fewer than eight (8) votes.

PASSED AND APPROVED this ____ day of _____ 2014.

M A Y O R
Ivy R. Taylor

ATTEST:

APPROVED AS TO FORM:

Leticia M. Vacek
City Clerk

Robert F. Greenblum,
City Attorney

DRAFT